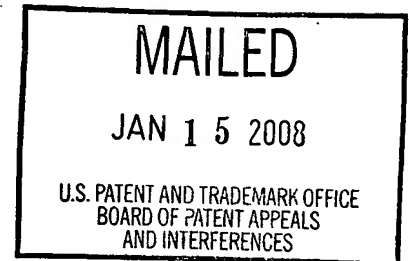


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT SEAMANS

Application No. 10/602,416



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 14, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

The Examiner Answer (mailed March 31, 2006) cites U.S. Patents to Aguerre US 6,237,249, Seidel et al. US 4,476,600, and Albiniano US 2,897,566, but fail to mention Lamstein US (Des. 416,667) noted in Section (9) of the Examiner's Answer. The Lamstein reference was not included under the Section **"(8) Evidence Relied Upon."** See the Manual of Patenting Examining Procedure (MPEP) § 1207.02(A)(8).

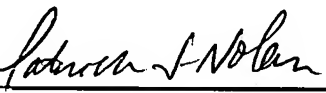
Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the Lamstein reference mentioned in the statement of rejection. See MPEP § 1207.02. Appropriate correction is required.

Accordingly, it is

ORDERED that this application be returned to the examiner:

- 1) to issue and mail a PTOL-90 having the missing reference listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer ; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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